

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
COMPASS-CHARLOTTE 1031, LLC,

Plaintiff,
-against-

PRIME CAPITAL VENTURES, LLC
BERONE CAPITAL FUND, LP
BERONE CAPITAL PARTNERS LLC
BERONE CAPITAL LLC
BERONE CAPITAL EQUITY FUND I, LP
405 MOTORSPORTS LLC f/k/a Berone Capital Equity
Partners LLC

Defendants.

Case No. 24-cv-00055
(MAD/CJH)

**DECLARATION IN
PARTIAL OPPOSITION
TO ANTI-LITIGATION
INJUNCTION WITH
RESPECT TO THE
BERONE DEFENDANTS**

PAUL A. LEVINE, as RECEIVER OF PRIME CAPITAL
VENTURES, LLC,

Third-Party Plaintiff,

-against-

KRIS D. ROGLIERI, TINA M. ROGLIERI,
KIMBERLY HUMPHREY a/k/a KIMMY
HUMPHREY, PRIME COMMERCIAL
LENDING, LLC, COMMERCIAL CAPITAL
TRAINING GROUP-, THE FINANCE
MARKETING GROUP, NATIONAL
ALLIANCE OF COMMERCIAL LOAN
BROKERS LLC and FUPME, LLC,

Third-Party Defendants.

-----X

FABIAN STONE, under penalty of perjury, declares as follows:

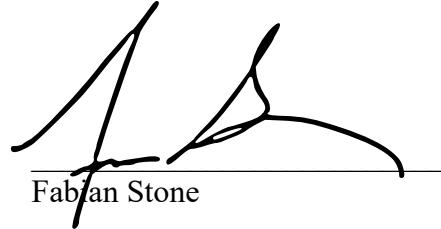
1. I am the Chief Operating Officer of Defendant Berone Capital LLC (“Berone Capital”), a Registered Investment Advisor. I have reviewed the purported joint venture agreement between Berone Capital and Prime Capital annexed as Exhibit 25 to Plaintiff’s

Complaint for Receivership in this Action. It does not bear my signature. The signature of my name thereon is a forgery. At no time has Defendant Berone Capital entered into a joint venture agreement with Prime Capital, as purportedly reflected on Exhibit 25, or for that matter in any other document.

2. I have attached hereto as Exhibit C an exemplar of the electronic signature which I utilize, and clearly, it is not the same as the signature on Plaintiff's Exhibit 25.

3. The Court is respectfully referred to the accompanying Declaration of my partner, Jeremiah Beguesse, in which I concur, concerning the great harm to the Berone Defendants caused by the Receivership. On a personal level, the action taken by Plaintiff in this Action has prevented me from meeting my support obligations to my wife and minor child at the same time I am going through a divorce.

I declare this 13th day of February, 2024, under the penalty of perjury, that the foregoing is true and correct.



A handwritten signature in black ink, appearing to read "Fabian Stone", is written over a horizontal line. The signature is fluid and cursive, with a prominent upward stroke on the left and a curved flourish on the right.